

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with 37 CFR § 1.6(a)(4).

Dated: October 4, 2011
Electronic Signature for Kevin M. Kocun: /Kevin M. Kocun/

Docket No.: SPINE 3.0-441 CONT CONT
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Ralph et al.

Application No.: 10/667,034

Filed: September 22, 2003

For: POROUS INTERVERTEBRAL DISTRACTION
SPACERS

:
:
:
:
: Group Art Unit: 3775
:
: Examiner: C. L. Nelson
:
:
:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE

Dear Madam:

The present communication is in response to the Official Action mailed July 19, 2011 ("the Action"). No claims have been amended, added or canceled by way of the present communication, and therefore, claims 1, 2, 4, 6, 7, 9, 10, 13, 18, 19, 21 and 24-26 remain pending in the present case. The following sets forth Applicants' remarks pertaining to those currently pending claims and the Action.

In the Action, the Examiner rejected each and every one of the currently pending claims under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,592,624 to Fraser et al. ("Fraser") in view of U.S. Patent No. 6,425,920 to Hamada ("Hamada"). Essentially, the Examiner asserted Fraser to teach